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276173

December 8, 1999

Craig Melodia, Esq.
Assistant Regional Counsel
U.S. EPA Region 5 (Mail Code C-14)
77 W. Jackson Blvd.
Chicago, IL 60657

Re: Skinner Landfill Superfund Site - Settlement of Alleged Liability on Behalf of
the City of Monroe, Ohio

Dear Craig:

Thank you for sending me the revised final consent decree for the municipal settlement for the Skinner site. Monroe's City Council approved it by unanimous resolution authorizing the City Manager to execute the signature page on the City's behalf. Enclosed is the original executed signature page.

In order to create jurisdiction for the court to accept the lodging of the executed decree, I assume that you are preparing a single-count, "friendly" cost-recovery complaint, naming all of the municipal settling parties, to be filed simultaneously with the decree. Otherwise, the court will not have the necessary jurisdiction to approve and then enter the final decree. Let me know if you do not intend to file such complaint and, if so, how the court will have the necessary jurisdiction. ~~Assuming that you intend to file such complaint,~~ the City's formal address for the caption is City of Monroe, Ohio, P.O. Box 330, Monroe, Ohio 45050.

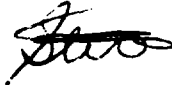
Because I believe that a complaint needs to be filed to create the necessary jurisdiction, and because of the lengthy time between lodging and subsequent entry of the decree due to the required Federal Register notice and comment period, a separate joint stipulation (or joint motion with proposed order) waiving formal service of the complaint and extending the answer date (in the Southern District the normal answer date is 20 days after service) indefinitely will also be necessary.

FROST & JACOBS LLP

Our client expresses its sincere appreciation to you and Sherry Estes for your cooperation in dealing with the claims against the municipalities relating to the Skinner site. Best regards.

Very truly yours,

FROST & JACOBS LLP



Stephen N. Haughey, Esq.
Counsel for City of Monroe, Ohio

Enclosure

cc: City of Monroe, Ohio
Phillip Callahan, Esq., City Attorney

717829.01

EMERGENCY RESOLUTION NO. 33-99

A RESOLUTION TO AUTHORIZE AND DIRECT THE CITY MANAGER TO EXECUTE A CONSENT DECREE IN THE MATTER OF UNITED STATES OF AMERICA V. CITY OF BLUE ASH, CITY OF DEER PARK, CITY OF MADEIRA, CITY OF MASON, CITY OF SHARONVILLE, VILLAGE OF LINCOLN HEIGHTS AND VILLAGE OF MONROE AS IT RELATES TO THE SKINNER LANDFILL SUPERFUND SITE, AND DECLARING AN EMERGENCY

WHEREAS, as a result of litigation surrounding the Skinner Landfill Superfund Site, the United States of America, through its Environmental Protection Agency, has proposed a settlement to various municipalities; and

WHEREAS, the Council of the City of Monroe desires to accept such settlement and enter into a Consent Decree reflecting the terms and conditions of the settlement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE MUNICIPALITY OF MONROE, STATE OF OHIO, THAT:

SECTION 1: The City Manager is hereby authorized and directed to execute a Consent Decree in the matter of *United States v. City of Blue Ash, City of Deer Park, City of Madeira, City of Mason, City of Sharonville, Village of Lincoln Heights and Village of Monroe* as it relates to the Skinner Landfill Superfund Site.

SECTION 2: This measure is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, and further for the reason that Council desires to execute the Consent Decree in order to meet the November 24, 1999 deadline established by the United States of America; therefore, this measure shall take effect and be in full force from and after its passage.

PASSED: November 23, 1999

ATTEST:

APPROVED:

Linda Egelston
Clerk of Council

Elbert R. Thumreuther Jr.
Mayor

This Resolution was enacted in open meeting pursuant to the procedural provisions of the Sunshine Law, Section 121.22 of the Ohio Revised Code.

CERTIFICATE

The undersigned, Clerk of Council of the Municipality of Monroe, Ohio, certifies that the foregoing is a true and correct copy of Monroe Resolution No. 33-99, adopted by Monroe Council on the 23rd day of November, 1999.

Linda Egelston
Clerk of Council